

Message Text

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PAGE 01 STATE 064826
ORIGIN EUR-12

INFO OCT-01 ISO-00 SY-05 DHA-02 L-03 MCT-01 FBIE-00
CIAE-00 DODE-00 INR-07 NSAE-00 PA-01 USIA-06
PRS-01 SP-02 SS-15 NSC-05 EB-08 /069 R

DRAFTED BY EUR/EE:JMSEYMOUR:SAM
APPROVED BY EUR/EE:NGANDREWS
A/SY:EHICKEY (INFO
/HA:KHILL (INFO)
L/SFP:LFIELDS SUBSTANCE)
-----240054Z 066019 /61
P 232256Z MAR 77
FM SECSTATE WASHDC
TO AMEMBASSY BELGRADE PRIORITY
INFO AMCONSUL ZAGREB PRIORITY

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E.O. 11652:N/A

TAGS:PFOR, EAIR, YO, US

SUBJECT:HIJACKING TRIAL

REF: STATE 48602

1. THE NEW YORK TIMES REPORTED ON MARCH 23 (POUCHED SEPARATELY) AND THE ASSISTANT US ATTORNEY'S OFFICE CONFIRMED THAT FEDERAL PROSECUTORS WILL NOT SEEK THE DEATH PENALTY FOR THE FOUR REMAINING DEFENDANTS, ON GROUNDS EVIDENCE LEGALLY SUFFICIENT TO JUSTIFY IT WILL NOT BE ADDUCED. US ATTORNEY DAVID TRAGER, AS REPORTED IN THE TIMES, POINTED OUT TO THE JUDGE THAT THE DEATH OF THE POLICE OFFICER IN THIS CASE IS NOT THE TYPE OF "POST-SEIZURE DEATH WHICH
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CONGRESS HAD IN MIND" IN LEGISLATING THE DEATH PENALTY.
"...THE BOMB WAS NOT A TIME BOMB; IT WAS NOT SET TO GO OFF, AND THE TIMING OF THE EXPLOSION WAS FORTUITOUS."

2. NEARLY A WEEK OF PRETRIAL HEARINGS CENTERING ON RULES OF EVIDENCE ENDED MARCH 22. JURY SELECTION BEGINS MARCH 23, ACCORDING TO THE ASSISTANT US ATTORNEY'S OFFICE, AND THE

TRIAL IS EXPECTED TO BEGIN MARCH 28 OR 29. THE PROSECUTION NOW BELIEVES IT WILL LAST UP TO A MONTH, WITH THE STATE TRIAL BEGINNING SOON AFTERWARDS.

3. YUGOSLAV EMBASSY COUNSELOR ANDONOV DROPPED BY FOR A DISCUSSION OF THE CASE ON MARCH 23. HE EXPRESSED DOUBT THAT HE HAS EFFECTIVELY CONVEYED ALL ITS LEGAL INTRICACIES TO BELGRADE. WE PLAN TO ARRANGE A SESSION FOR ANDONOV WITH DEPARTMENT LEGAL ADVISORS TO HELP CLARIFY IT FOR HIM.

4. ANDONOV NOTED TWO POSITIVE ELEMENTS REGARDING US MEDIA DISCUSSION OF THE CASE: THERE HAS BEEN LITTLE COVERAGE AND MOSTLY IT IS NEGATIVE TO THE HIJACKERS. THE TIMES HAS CARRIED SPORADIC REPORTS OF PROCEDURAL DEVELOPMENTS ON INSIDE PAGES, ALTHOUGH WE UNDERSTAND OTHER NEW YORK PAPERS ARE GIVING THE CASE SOMEWHAT MORE ATTENTION. UNDERSCORING HIS OWN POINT, ANDONOV OBSERVED THAT A COLUMNIST FOR THE CROATIAN EMIGRE PUBLICATION DANICA HAD RECENTLY DECRIED THE FACT THAT EVEN THE CROATIAN COMMUNITY HAS "FORGOTTEN ABOUT" THE HIJACKERS.

5. THE DEPARTMENT HAS NEVERTHELESS BEGUN RECEIVING SOME WRITTEN APPEALS, USUALLY ADDRESSED TO THE PRESIDENT, ON BEHALF OF THE HIJACKERS. WE ARE RESPONDING TO THE EFFECT THAT WE EXPECT JUSTICE WILL BE DONE IN THE INTERESTS OF ALL CONCERNED.

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DRAFTED BY:SY/CC/TAG:LWATERMAN:SC

APPROVED BY:SY/CC:JOHN PERDEW

-----300410Z 042396 /63

P 300010Z MAR 77

FM SECSTATE WASHDC

TO AMEMBASSY CANBERRA PRIORITY

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FOR RSO

FOLLOWING REPEAT STATE 64826 ACTION BELGRADE INFO ZAGREB
DATED MAR 23:

QTE: LIMITED OFFICIAL USE STATE 064826

E.O. 11652:N/A

TAGS:PFOR, EAIR, YO, US

SUBJECT:HIJACKING TRIAL

REF: STATE 48602

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IN THIS CASE IS NOT THE TYPE OF "POST-SEIZURE DEATH WHICH CONGRESS HAD IN MIND" IN LEGISLATING THE DEATH PENALTY. "...THE BOMB WAS NOT A TIME BOMB; IT WAS NOT SET TO GO OFF, AND THE TIMING OF THE EXPLOSION WAS FORTUITOUS."

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
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Concepts: AIRCRAFT HIJACKING, SECURITY, TRIALS, COURT DECISIONS
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Sent Date: 23-Mar-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Unique ID: 00
Drafter: JMSEYMOUR:SAM
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
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From: STATE
Handling Restrictions: n/a
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Legacy Key: link1977/newtext/t19770329/aaaaazcz.tel
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Litigation History:
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Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
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Previous Handling Restrictions: n/a
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Review Action: RELEASED, APPROVED
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Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3016477
Secure: OPEN
Status: NATIVE
Subject: HIJACKING TRIAL
TAGS: PFOR, EAIR, YO, US
To: BELGRADE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/195920b3-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
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EO Systematic Review
22 May 2009
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